in danger of losing its NHL franchise (Le Club de Hockey Canadien) when Petitioner became a director and member of the executive committee of CAC in 1939, and an executive director of "Les Canadiens" which advanced from cellar position in 1939 to league and world championship in 1943-4, whereupon Petitioner was persuaded to undertake the task of expanding the National Hockey League.

Stolen records include letters from CAC's Northey respecting acts by Respondents Kilpatrick and Irish to block Petitioner's project (Marked for trial D-9; D-52), and NHL Governor Smythe's letter April 13 1949 (D-104/M) concerning the events of April-May 1949 when Langley & Company vainly sought to secure acceptance as sponsors of Petitioner's project.

4. **A document trumped-up by Respondents** (Aff p 56)

At p. 15 of the Petition docketed February 16 1968 it is averred that if the Motion for enlargement of the record be granted, it will be made clear why Respondents withheld transcripts of Petitioner's depositions. Petitioner exposes **one** reason:

> Mr. Friedman: I will ask the stenographer to mark for identification a sheet of yellow paper captioned "MINUTES OF A MEETING OF FEBRUARY 16, 1946"

At p. 129 of the deposition, such yellow sheet was marked D-99 as reproduced at p. 56 of the affidavit September 30 1967.

Mr. Friedman sponsored D-99, without first reviewing many authentic contemporaneous letters, including one dated August 12 1946 to the NHL in which Petitioner requested a copy of any "Minute" so that Petitioner would not be technically at fault in the presentation to be made at the NHL meeting on September 4th. Such letter and the reply of August 13 1946, were stolen by attorney Greenfield in October 1960. A subsequent letter by NHL president Dutton made no reference to a "Minute" but stated merely that Petitioner should submit a letter from the bankers guaranteeing the sum necessary to build the sports arena — likewise withheld from the District Court (marked for trial D-82).

As elsewhere noted (Aff p 57), anything which was done by the Governors in such connection was by RESOLUTION on February 14 1946. Over-zealousness by Respondents in trumping-up a document was covered up by their adversaries.

Other stolen letters include one from Petitioner to the NHL September 14 1946; Campbell's official reply dated September 17 1946, and a personal letter of like date, fully understanding that it was impossible to have everything sealed and delivered until permission to build had been obtained. Such three letters were marked for trial as D-96/T;U;V.

An assurance was given by contractor McCloskey September 14 1946:

> "* * * plans * are in such an advanced stage that construction could begin immediately.

I am personally familiar with the various phases of this project and have taken part in conferences with Mr Peto and his counsel * * with members of the firm of Auchincloss, Parker & Redpath, and with others who will be financially interested in this undertaking.

It is the intention to commence work under this contract as soon as permission to proceed has been given by the Civilian Production Administration. If such permission is forthcoming within the next two months, the Arena can be made ready for operation prior to November 1 1947 * *"

The above letter, marked for trial D-96/S, was suppressed with companion assurances from the lawyers and bankers, thus paving the way for Respondents to depict Petitioner as unresponsive and non-compliant, and not meriting endorsement implicit in the RESOLUTION December 14 1945.

5. **Confession by Louis G. Greenfield to the District Court** (Petitioner's affidavit February 13 1968)

Such confession August 27 1965, came into Petitioner's hands June 15 1967; was discussed in the brief on Appeal; was printed in an Appendix to Petitioner's Reply brief on Appeal, August 11 1967.

Greenfield informed the District Court:

(a) that on March 1st 1965 his partner Rothstein

appeared in Puerto Rico to confess various crimes against Greenfield;

(b) Greenfield went to New York; disassembled the office and stored the files;

(c) "long prior to March 1 1965" Rothstein told Greenfield that he had "satisfactorily disposed of" Petitioner's claim;

(d) Greenfield pretended to be unaware of the identity of his adversaries.

In February 1968 Petitioner learned from Counsel for Judicial Inquiry that Rothstein and Greenfield were interviewed **together** at 16 Court Street, Brooklyn, on February 8 1965; that Greenfield visited said Counsel again, alone, later in February 1965 and charged Rothstein with theft of partnership funds, and forgery of Greenfield's name, whereafter Rothstein who did not respond, was disbarred.

Petitioner was informed that such facts were available to Respondents and to the Court. Petitioner was deceived by Greenfield's expressed intention to make good his partner's default, and accepted in replacement, Greenfield nominee Richard C. Stein, who kept from Petitioner and from the Court, all knowledge of Greenfield's theft of records.

The formal affidavit by Greenfield January 4 1966 (Rec 486) suppresses important facts, not the least of which is that after stealing records in 1960, Greenfield established residence and business in Puerto Rico, and

thereafter commuted to New York; that Greenfield had abandoned his client without notice although, with the Court House a few steps from the office at 350 Broadway, a check on the status of this Action was available at a minimum of time and effort.

The disappearance of some 35 documents, marked for trial, and appropriate to the examination of the witness McGeary (Aff February 13 1968) must be related to the demand by Respondents for deposition by McGeary, subsequent to the Notice of Motion March 19 1965 (Pet 14a), although Greenfield denied knowledge of such Motion, and his partner Rothstein allegedly disappeared prior to such date, a default before this Court noticed in the Wall Street Journal March 16 1965, and thus known to the Court and Respondents, who remained aloof from Petitioner.

If conjecture has a place in summary judgment proceedings, the inference must be that Greenfield abandoned his client, and confiscated his client's records, to aid the Respondents.

6. **I.B.C.'s "Frankenstein"** (Aff Sept 30 1967 pp 39-40)

Petitioner's exchange of letters with John Edgar Hoover in May and June 1955, followed an inquiry by Petitioner of Triangle's Roger W. Clipp (WFIL) on May 4 1955, as to identity of those who persuaded Walter Annenberg to withdraw proffered support of Petitioner, and to actively oppose Petitioner in Philadelphia. Such letter, marked for trial as D-41 is missing, as also attorney Maurice Saul's note that Jack Kelly had been rebuffed by Annenberg January 16 1960, marked for trial as D-30.

7. Overt Acts of June 1955 (Aff Sept 30 1967 pp 16-19)

It is established (Rec p 756) that on June 9 1955, Alfred Putnam, the Philadelphia partner of bankers Auchincloss, Parker & Redpath, undertook to make inquiries as to the attitude of Hemphill Noyes & Co, whose partners Ambassador Stanton M. Griffis and Jansen Noyes were ousted from the board of Madison Square Garden, with other notables, including Bernard Gimbel and John W. Hertz of Lehman Brothers, which latter had deferred to the wishes of Respondent Madison Square Garden by withdrawing proffered support of Petitioner in 1948 (marked for trial D-15, but stolen).

Although John D. McGeary of the bankers' New York office failed to confirm such events, Stanley Grossman, who examined part of the bankers' file subsequent to McGeary's deposition in June 1966, reported that the firm actually made inquiries of Hemphill in June 1955, as Putnam had promised attorney Saul, would be done. Thus sworn testimony by Petitioner to such effect, should be lifted out of hearsay category by the contemporaneous reports. The District Court erred in brushing aside proffered evidence of perjury which misled the Court to incorrect conclusions. (Aff Sept 30 1967 p. 50; aff. February 13 1968).

CONCLUSION

Petitioner was damaged by the same conspirators and the same conspiracy about which the Government complained March 17 1952 (C.A. 74-81). Petitioner's charge of fraudulent and collusive conduct in June 1949, by which Petitioner was excluded, concerned the identical

acts about which the Government complained, and the Courts below were misled to incorrect conclusions by fraud and suppression and Petitioner thus was deprived of right to trial.

It is earnestly urged that the Petition docketed February 16th be reviewed in the light of this supplemental Petition, and that Writ of Certiorari be granted.

Respectfully,

LEONARD A. PETO
Petitioner, Pro Se